

## Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 CIAE-00 PM-04 H-02 INR-07 L-03 NSAE-00

NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 OMB-01 /057 W

----- 029353

R 060822Z AUG 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 8528

INFO SECDEF WASHDC

JCS WASHDC

CINCPAC

CINCPACAF

CINCPACFLT

CINCPACREPPHIL SUBIC

CG 13TH AF CLARK

C O N F I D E N T I A L SECTION 1 OF 2 MANILA 11722

CINCPAC ALSO FOR POLAD

FROM USDEL 181

E.O. 11652: GDS

TAGS: MARR, RP

SUBJECT: PHILIPPINE BASE NEGOTIATIONS: DEFINITIONS; AUTHORIZATION  
TO USE TERMS OF USE OF FACILITIES

REF: A. BAGUIO 58, 260305Z JUNE 76

B. MANILA 10356 (US DEL 124), 151217Z JULY 76

C. MANILA 11604 (USDEL 179) 050319Z AUG 76

1. SUMMARY. PROBABLY OWING TO MARCOS-ROBINSON  
MEETING, WE HAVE AT LAST BEEN ABLE TO GOAD PHIL SIDE ON  
FACILITIES WORKING GROUP INTO DEVELOPING TENTATIVE JOINT  
OR DISAGREED TEXTS FOR PARTS OF ARTICLE I (DEFINITIONS),  
AND FOR ALL OF ARTICLES II (AUTHORIZATION TO USE FACILITIES)  
AND III (TERMS OF USE OF FACILITIES). THESE TEXTS ARE REPORTED  
BY SEPTEL, AND DISCUSSED HEREIN. NOTWITHSTANDING THE RATHER SHAKY  
STATUS OF AMHY OF THEM ON PHIL SIDE, WASHINGTON COMMENTS  
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WOULD BE APPRECIATED. END SUMMARY.

2. AS ADDRESSEES AND PARTICULARLY FORMER MEMBERS OF USDEL WILL APPRECIATE, PROGRESS OF FACILITIES WORKING GROUP HAS BEEN NOTORIOUSLY SLOW AND ERRATIC, EVEN BY COMPARISON WITH OTHER WORKING GROUPS, AND ACCOMPANIED BY MANY BACKSLIDINGS. FORMER SENATOR AND FORMER FICE-PRESIDENT PEALAEZ IS OBVIOUSLY PLAYING ROLE OF SELF-APPOINTED ADVOCATE FOR EVERY PHIL POSITION, RATHER THAN THAT OF A NEGOTIATOR. WHERE HE HAS PESONAL COMPETENCE, AS INFIELD OF NATURAL RESOURCES, HE CAN BE INFINITELY DETAILED AND EXACTING; WHEN HE LACKS THIS, AS IN MORE TECHNICAL AND MILITARY SUBJECTS, HE DEFERS ALMOST COMPLETELY TO PHIL MILITARY REPS ASSISTING HIM, AND ACTS ONLY AS A REFEREE. HIS STATED REASON IS THAT HE WILL "INEVITABLY" HAVE TO DEFEND FINISHED TEXT WITH PHILIPPINE PUBLIC AFTER ITS ADOPTION, AND MUST THEREFORE BE ASSURED THAT EVERY POINT IS MET TO FULL SATISFACTION OF GOP SOVEREIGN INTERESTS. DESPITE THIS POSTURING, HOWEVER, A FEW PARAGRAPHS HAVE NOW BEEN TENTATIVELY AGREED, AND THE ISSUES MORE SHARPLY IDENTIFIED ON OTHERS, AS SET FORTH BELOW:

3. DEFINITIONS (ARTICLE I). IN AUG 4 MEETING REPORTED REFTEL C, PHILS ACCEPTED US PROPOSAL TO RESOLVE CONTROVERSY OVER EXTENT OF FACILITIES (THE BIG VERSUS SMALL "F" ISSUE) BY INTRODUCTION OF TERM "INSTALLATION". HOWEVER, THEY WOULD DO SO ONLY IN CONTEXT OF A DESCENDING HIERARCHY FROM "BASE THROUGH "INSTALLATION" TO "FACILITY", AND REFUSED TO ACCEPT TERM "INSTALLATION" AS MEANING A US COMMAND UTILIZING THE FACILITIES. PHILS TOOK INITIATIVE IN INTRODUCING JCS PUB 1 DEFINITIONS, WHICH SERVED REASONABLY WELL FOR "BASE" AND "INSTALLATION", BUT IT SOON BECAME APPARENT THAT THEIR UNDERLYING PURPOSE WAS TO INCLUDE EQUIPMENT WITHIN TERMS "FACILITY". EVEN WHEN LIMITED TO PERMANENTLY INSTALLED EQUIPMENT, THIS SEEMED TO US TO BE UNACCEPTABLE, AND TEXTS THEREFORE REMAIN SPLIT. US VERSION IS ADAPTED FROM LABORIOUSLY WORKED-OUT SENTENCE OF ARTICLE II, WHICH COULD OF COURSE BE GREATLY SHORTENED IF US DEFINITION WERE ACCEPTED.

4. AUTHORIZATION TO USE FACILITIES. (ARTICLE II)

A. TITLE. ORIGINALLY DESIGNATED "GRANT OF FACILITIES"  
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IN REF A, THE PRESENT TITLE APPEARS MORE ACCURATE.

B. WITH VOA AND RRF COVERED SEPARATELY, LIMITATION IN FIRST SENTENCE TO MILITARY PURPOSE APPEARS SATISFACTORY. KEY SECOND SENTENCE REFLECTS GRUDGING PHIL ACCEPTANCE OF US AREA CONCEPT, BUT LIMITED TO LANDS ONLY. HOWEVER, DURING ACRIMONIOUS THREE-DAY EXECUTIVE SESSION IN MID-JULY (MANILA 10355, USDEL 123), SOLICITOR GENERAL MENDOZA INVEIGHED HEAVILY AGAINST USE OF TERM "AREA", AND PHIL DELEGATION HAS

BEEN ALLERGIC TO IT EVER SINCE. THEIR REFUSAL TO ACCEPT INCLUSION OF "WATERS" APPEARS PRIMARILY A TACTICAL MOVE RELATED TO BARGAINING OVER SIZE OF SUBIC FACILITY IN RELATION TO QUID. SIMILARILY, WE HAVE RESERVED OUR POSITON ON CAPITAL "F" UNTIL IT IS CLEAR THAT PHIL PANEL AGREES TO SUBSTITUION OF TERM "INSTALLATION" FOR "FACILITIES" IN COMMAND AND CONTROL ARTICLES, AND ELSEWHERE IN AGREEMENT AS APPROPRIATE. USE OF MAPS RATHER THAN VERBAL DESCRIPTION OF EACH FACILITY HAS OVERCOME ORIGINAL PHIL INSISTENCE THAT INVENTORY WOULD HAVE TO BE PART OF THE AGREEMENT ITSELF. INDICATIONS OF USE ON INVENTORY LISTINGS PROVIDED TO PHILS HAVE CAUSED THEM TO FALL OFF THEIR FORMER POSITION THAT "PURPOSE" MUST BE INDICATED IN THE INVENTORY. AS PRESIOUSLY NOTED, WE PLAN TO FURNISH ORDINARY AIR FORCE AND NAVY REAL PROPERTY DATA SHOWING ALL STRUCTURES (PERMANENT, SEMI-PERMANENT, AND TERMPORARY), BUT HAVE MADE CLEAR, AND PHILS HAVE APPARENTLY CONCEDED, THAT AUTHORIZATION TO USE IT NOT RELATED TO TITLE (QUESTION OF TITLE TO PERMANENT STRUCTURES IS BEING RESERVED FOR ARTICLE XVII). PER INSTRUCTIONS, WE HAVE CONTINUED TO ADHERE TO US VIEW THAT THE INVENTORY LISTING WILL BE PROVIDED BY UNILATERAL US NOTE, AND HAVE REJECTED PHIL VIEW THAT AN EXCHANGE OF NOTES WOULD ENABLE THEM TO "APPROVE" THE INVENTORY LISTING FOR US USE.

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ACTION EA-09

INFO OCT-01 ISO-00 CIAE-00 PM-04 H-02 INR-07 L-03 NSAE-00

NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 OMB-01 /057 W

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R 060822Z AUG 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 8529

INFO SECDEF WASHDC

JCS WASHDC

CINCPAC

CINCPACAF

CINCPACFLT

CINCPACREPPHIL SUBIC

CG 13TH AF CLARK

C O N F I D E N T I A L SECTION 2 OF 2 MANILA 11722

CINCPAC ALSO FOR POLAD

FROM USDEL 181

C. PARA 2. THIS IS BRACKETED BECAUSE PHILS HAVE CONSISTENTLY TAKEN THE POSITION THAT LESSER FACILITIES SHOULD BE COVERED (IF AT ALL) BY A SIMULTANEOUS EXCHANGE OF NOTES RATHER THAN IN THIS AGREEMENT, IN ORDER TO CONFORM TO SPANISH MODEL, AND TO GIVE SUCH FACILITIES LESSER VISIBILITY.

5. ANNEX A. THE TEXT IS SELF-EXPLANATORY. ALTHOUGH THEY NOW AGREE TO INCLUDE THE SUBIC-CLARK PIPELINE, THE PHILS HAVE SIMPLY REFUSED TO DISCUSS SAN MIGUEL, WALLACE, OR JOHN HAY AT ALL. MOREOVER, AS REPORTED IN MANILA 11384 (US DEL 171), THEIR INITIAL WORKING MAPS OF SUBIC CALL FOR RELINQUISHMENT OF ALL WATER AREAS. GRANDE ISLAND ZAMBALES TRAINING AREA AND MAJOR PORTIONS OF PRESENT WATERSHED AREA SERVING THE NAVAL BASE, AS WELL AS THE JAD-JAD WATERSHED AREA SERVING OLONGAPO; ON CLARK, ONLY FENCED PORTION OF BASE PROPER WOULD BE RETAINED. ALL OF THIS INDICATES HEAVY BARGAINING AHEAD, WITH PHILS NOT SHOWING THEIR HAND UNTIL THEY KNOW OURS ON ARTICLE XIX. CONFIDENTIAL

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6. ANNEX B. THIS INCLUDES ALL LESSER FACILITIES KNOWN TO US DEL, AFTER COORDINATION WITH COMUSNAVPHIL AND CG 13TH AIR FORCE. THE APO IN THE SEAFRONT DIPLOMATIC COMPOUND IN MANILA IS COVERED BY A SEPARATE EXCHANGE OF NOTES, AND WE PROPOSE HANDLING THE OICC IN MANILA BY A GENERAL AUTHORIZATION FOR CONTINUED OFF-BASE LEASING ARRANGEMENTS. HOWEVER, THE PHILS ARE RESISTING ALL OF SUCH AUTHORIZATIONS AS UNNECESSARY.

7. TERMS OF USE OF FACILITIES (ARTICLE III)

A. TITLE. AT ONE POINT, PHIL PANEL PROPOSED THAT TITLE OF BOTH ARTICLE II AND ARTICLE III SHOULD REFER TO USE OF "PHILIPPINE" FACILITIES, BUT THEIR LATEST DRAFT FALLS OFF THIS QUIRK.

B. PARA 1. THE FIRST SENTENCE OF PHIL TEXT, RECEIVED ONLY ON AUG 4, IS SOMEWHAT MODIFIED FROM THEIR PREVIOUS STRONGLY NEGATIVELY - PHRASED VERSION, BUT THE SECOND AND THIRD SENTENCES REGARDING PURPOSE REFLECT A CONSIDERABLE TIGHTENING OF LANGUAGE ALONG LINES ALREADY INDICATED DURING RECENT CONSIDERATION OF THE PREAMBLE BY THE TWO PANEL CHAIRMAN. THERE HAS BEEN NO OPPORTUNITY YET TO DISCUSS PARA 1 IN THE FACILITIES WORKING GROUP.

C. PARA 2. THIS IS ONE AREA WHERE THE PHILS HAVE MADE SOME TANGIBLE ACCOMMODATION TO US VIEWS. IN AN IMPROVEMENT ON THE ORIGINAL US TEXT, GOP APPROVAL WOULD BE LIMITED TO

SUBSTANTIAL INCREASES IN THE NUMBER OR EXTENT OF THE FACILITIES, RATHER THAN ANY INCREASE. ALL OTHERS (SUBSTANTIAL CHANGES IN THE MANNER OF UTILIZATION, NUMBER OR EXTENT; OR PLANS FOR FUTURE DEVELOPMENT) WOULD REQUIRE PRIOR CONSULTATION ONLY. THE FINAL SENTENCE IS AN ADAPTATION OF PARA 3 IN US ARTICLE V ON MUTUAL COOPERATION, LESS WATER RESOURCES, TO BE COVERED IN A SEPARATE ARTICLE ON NATURAL RESOURCES.

D. PARA 3. THE BRACKETED PHIL REFERENCE TO AGREED FORCE LEVELS WAS INTRODUCED ONLY THIS WEEK, BUT PARALLELS A SIMILAR MOVE IN THE COMMAND AND CONTROL AREA.

E. PARA 4. SELF-EXPLANATORY AND UNCHANGED PROVISIN ON COSTS.

F. PARA 5. PELAEZ HAS BEEN ADAMANT THAT PHIL USE OF THE FACILITIES SHOULD RQUIRE ONLY PRIOR COORDINATION, WE HAVE BEEN TOTALLY FIRM THAT USG CONSENT IS MANDATORY, CONFIDENTIAL

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WITH A CONSEQUENT STANDOFF ON THIS ISSUE. THE STRENGTH AND FREQUENT REPETITION OF THE PHIL POSITIION, BOTH IN FACILITIES WORKING GROUP AND EARLIER IN COMMAND AND CONTROL GROUP, INDICATE THAT THEY IN FACT CONTEMPLATE THE POSSIBILITY OF SUBSTANTIAL ENCROACHMENTS ON US USE, AND THIS WILL EMERGE MORE CLEARLY AT A LATER STAGE OF NEGOTIATIONS.

B. PARA 6. THIS HAS NOT BEEN DISCUSSED FOR SEVERAL WEEKS, BUT WE EARLIER MADE CLEAR TO PELAEZ THAT THE PARAGRAPH WAS TAKEN WHOOLY OUT OF CONTEXT FROM THE PROPOSED BUT UNAPPROVED TURKISH AGREEMENT, AND THAT EVEN THERE ITS APPLICATION WOULD BE LIMITED TO INTELLIGENCE AND COMMUNICATIONS INSTALLATIONS. ACCORDINGLY, IT IS WHOLLY INAPPROPRIATE FOR SUCH INSTALLATIONS AS SUBIC AND CLARK.

H. PARA 7. THE BAN ON INTRODUCTION AND STORAGE OF UNCONVENTIONAL WEAPONS HAS BEEN RESERVED FOR THE TWO PANEL CHAIRMAN, AND WE HAVE SIMPLY ADVISED PELAEZ THAT THE PROVISION REGARDING MINES WOULD BE SUPERFLUOUS, USING ARGUMENTS IN STATE 174567. HE WAS UNMOVED.

I. PARA 8. US DEL BELIEVES THIS AGREED FORMULATION MEETS LATEST WASHINGTON GUIDANCE ON INTELLIGENCE SHARING (STATE 189034). WE HAVE MADE CLEAR THAT DELETION OF PHRASE "RELATING TO THE SECURITY OF THE PHILIPPINES" IS CONTINGENT ON REFERENCE IN PREAMBLE TO MUTUAL DEFENSE TREATY, WHICH PELAEZ HAS GRUDGINGLY ACKNOWLEDGED.

8. ACTION REQUESTED. RECOGNIZING CHARACTERISTIC PHILIPPINE UNPREDICTABILITY AS WELL AS THE PECULIAR PELAEZ PROCLIVITIES REFERRED TO ABOVE, US DEL WOULD NEVERTHELESS APPRECIATE RECEIVING WASHINGTON VIEWS ON ADMITTEDLY INCOMPLETE TEXTS OF ARTICLE I, II AND III SET FORTH BY SEPTTEL. AS EVIDENCED BY RECENT EXCHANGES REGARDING THE PREAMBLE,

PHILIPPINE POSITIONS AND LANGUAGE MAY WELL SHIFT FROM  
ONE MEETING TO THE NEXT. ACCORDINGLY, IT WOULD BE  
HELPFUL TO HAVE COMMENTS DIRECTED TO THE GENERAL THRUST  
OF EACH PARAGRAPH, RATHER THAN BEING LIMITED TO THE  
PRECISE FORM OF WORDS NOW USED THEREIN, OR AT LEAST TO  
IDENTIFY THOSE WORDS AND PHRASES WHICH ARE OF KEY IMPORTANCE FROM  
US STANDPOINT.  
SULLIVAN

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## Message Attributes

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